

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW JERSEY**

**NAEMIT et al**

Plaintiff(s),

v.

**AUGUST C. LOZANO, P.E., P.P.,  
INC. et al**

Defendant(s)

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Civil No. 09-0631 (WHW) (CCC)

**ORDER ON INFORMAL MOTION  
APPOINTING MEDIATOR**

The District Court for the District of New Jersey having adopted Local Civil Rule 301.1 establishing a program for mediation of civil actions and it appearing that mediation would conserve the resources and be in the best interests of the Court and the parties;

**IT IS on this 22<sup>nd</sup> day of October, 2009**

**ORDERED THAT:**

1. This civil action be and hereby is referred to mediation consistent with Local Rule 301.1.
2. Counsel and the parties shall participate in mediation and shall cooperate with the mediator, **Sheryl Mintz Goski, Esq., Herold & Haines, PA, 25 Independence Boulevard, Warren, NJ 07059.**
3. Counsel and the parties (including individuals with settlement authority) shall attend mediation sessions as requested by the mediator.

4. The mediator may meet with counsel and parties jointly or ex parte. All information presented to the mediator shall be deemed confidential, unless requested otherwise, and shall not be disclosed by anyone, including the mediator, without consent, except as necessary to advise the court of an apparent failure to participate. The mediator shall not be subject to subpoena by any party. No statements made or documents prepared for mediation shall be disclosed in any subsequent proceeding or construed as an admission.
5. In the event mediation is unsuccessful, there shall be a **Telephone Status/Scheduling Conference conducted on February 3, 2010 at 3:00 p.m.** at which time all discovery issues shall be addressed.
6. Upon receipt of this Order, the parties shall contact the mediator to schedule the mediation.

s/Claire C. Cecchi  
**HON. CLAIRE C. CECCHI**  
United States Magistrate Judge

cc: Hon. William H. Walls, U.S.D.J.  
Deputy Clerk  
Shmuel B. Klein, Esq.  
Thomas W. Williams, Esq.  
Carol Coleman, Arbitration Clerk  
File